

ORDINANCE NO. 2011-01

**AN ORDINANCE TO AMEND THE PROVISIONS OF
SECTION 2-4-16 OF THE TOWN OF WINDSOR ORDINANCES
RELATING TO THE MUNICIPAL JUDGE AND JOINT MUNICIPAL COURT**

The Board of Supervisors of the Town of Windsor, Dane County, Wisconsin, do ordain as follows:

1. Section 2-4-16 of the Town of Windsor Ordinances is hereby amended to read as follows:

“SEC 2-4-16 MUNICIPAL JUDGE; JOINT MUNICIPAL COURT.

(a) Municipal Judge.

(1) Office Created. The Joint Municipal court for the Village of DeForest and the Town of Windsor created pursuant to Sec. 755.01, Wis. Stats., is hereby established and shall become operative and functional upon the effective date of the intergovernmental agreement establishing such court.

(2) Election; Term. The Municipal Judge shall be elected at large pursuant to the DeForest-Windsor intergovernmental agreement.

(3) Bond; Oath.

a. The Municipal Judge shall execute and file with the Clerk of the Courts for Dane County the oath prescribed by Sec. 757.02, Wis. Stats., and a bond in the penal sum of One Thousand Dollars (\$1,000.00).

b. The Municipal Judge shall not be qualified to act until a certified copy of the bond is filed with the Town of Windsor Clerk-Treasurer and a certified copy of the oath with the office of the State Administrator of Courts as required by Sec. 755.03, Wis. Stats.

c. The Village and Town shall pay the costs of the bond, pursuant to the DeForest-Windsor intergovernmental agreement and Sec. 755.03, Wis. Stats.

(4) Jurisdiction. The Municipal Judge shall have jurisdiction as provided by law and Sec. ~~tions~~ 755.045 and 755.05, Wis. Stats., and jurisdiction of violation of Village of DeForest and/or Town of Windsor ordinances, resolutions and bylaws.

(b) **Municipal Court.**

- (1) Court Established. The Joint Municipal Court for the Village of DeForest and the Town of Windsor is established pursuant to Chapter 755 and Sec. ~~755.02~~755.01(4), Wis. Stats.
- (2) Hours. The Joint Municipal Court for the Village of DeForest and the Town of Windsor shall be open as determined by order of the Municipal Judge and approved by the Village Board.
- (3) Location. The Municipal Judge shall keep his/her office and hold court in the DeForest Village Hall, within facilities that shall be located in an area separate from any law enforcement facilities and personnel by design or signage.
- (4) Procedure. The procedure in Joint Municipal Court shall be as provided by this Section and State law including, without limitation because of enumeration, Sections 23.66 to 23.99, 345.20 to 345.60 and Chapters 755, 778 and 800, Wis. Stats.
- (5) Collection and Return of Forfeitures. The Municipal Judge shall collect all forfeitures, penalty assessments, surcharges, fees and taxable costs in any action or proceeding before him/her and shall pay over such Town moneys to the Clerk-Treasurer within seven (7)-thirty (30) days of collection after receipt of the moneys by the Joint Municipal Court. At such time, the Municipal Judge shall also report to the Town Clerk-Treasurer the title, nature of offenses and total amount of judgments imposed in actions and proceedings in which such moneys were collected.
- (6) Contempt of Court. The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may punish for contempt of Joint Municipal Court persons guilty of ~~either any~~ of the following intentional acts and no other:
 - a. ~~Disorderly, contemptuous and insolent behavior toward the Judge while engaged in any judicial proceeding or other conduct which tends to interrupt the proceedings or to impair the respect due the Judge's authority~~ Misconduct in the presence of the Joint Municipal Court which interferes with a court proceeding or with the administration of justice, or which impairs the due respect for the Joint Municipal Court.
 - b. ~~Resistance of or disobedience to any lawful order or process made or issued by the Judge~~ Refusal of a witness to appear without reasonable excuse.

- (7) Penalty for Contempt of Court. The Municipal Judge may, upon finding any person guilty of contempt, order such person to forfeit not more than ~~Fifty Dollars (\$50.00)~~ Two Hundred Dollars (\$200.00) ~~plus the penalty assessment under Sec. ~~165.87~~ 800.12(2), Wis. Stats.~~ Upon nonpayment of the forfeiture and penalty the person found guilty of contempt may be sentenced to the County jail not to exceed seven (7) days. The Municipal Judge may also do the following:
- a. For a contempt of court described in Section 2-4-16(b)(6)a, impose imprisonment in the county jail for not more than 7 days and impose a forfeiture, as provided under Sec. 800.12(3), Wis. Stats.
 - b. For a contempt of court described in Section 2-4-16(b)(6)b, pursuant Sec. 800.12(4), Wis. Stats.:
- (8) 1. Issue a warrant to bring the witness before the court for the contempt and to testify.
2. In addition to ordering witness to pay a forfeiture, the judge may order the witness to pay all costs of the witness's apprehension.

(c) **Stipulations and Deposits in Municipal Court.**

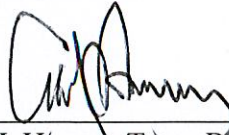
(1) Deposit Schedule to Be Established.

- a. The Municipal Judge shall establish and submit to the DeForest Village Board for approval in accordance with Sec. ~~800.03(3)~~ 800.037, Wis. Stats., a schedule of deposits for violations of the Village of DeForest Code of Ordinances, Village resolutions and bylaws, except traffic regulations which are governed by Sec. ~~345.25~~ 345.26, Wis. Stats., and boating violations governed by Sec. ~~tions 23.66 and~~ 23.67, Wis. Stats. When approved by the Board, such deposit schedule shall be available in the office of the Municipal Court Clerk and the Village of DeForest Police Department.
- b. The Municipal Judge shall establish and submit to the Windsor Town Board for approval in accordance with Sec. ~~800.03(3)~~ 800.037, Wis. Stats., a schedule of deposits for violations of the Town of Windsor Code of Ordinances, Town resolutions and bylaws, except traffic regulations which are governed by Sec. ~~345.27~~ 345.26, Wis. Stats., and boating regulations which are governed by Secs. 23.66 and 23.67, Wis. Stats. When approved by the Windsor Town Board, such deposit schedule shall be posted in the Windsor Village Hall.

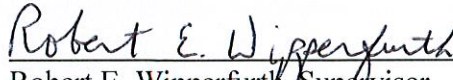
- (2) Stipulation and Deposit in Lieu of Court Appearance. Persons cited for violations of the Village of DeForest or the Town of Windsor Codes of Ordinances, resolutions or bylaws for which deposit has been established under this Subsection shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Sections ~~800.03, 800.04~~800.037 and 800.09, Wis. Stats.
- (3) Traffic and Boating Deposits. The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Chapter 23 and 345, Wis. Stats., shall apply to stipulations and deposits for violations of traffic violations enacted in accordance with Sec. 345.27 and boating regulations enacted in accordance with Sec. 30.77, Wis. Stats.
- (d) **Administering Agreement.** The Village of DeForest Board and the Windsor Town Board are authorized to enter into an agreement to share the costs of maintaining the Joint Municipal Court.”

The above and foregoing Ordinance was duly adopted at a regular meeting of the Town Board of the Town of Windsor on the 6th day of January, 2011.

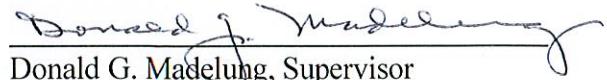
TOWN OF WINDSOR



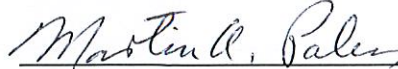
Alan J. Harvey, Town Board Chairperson



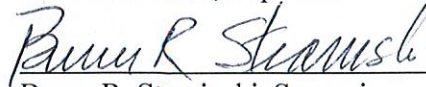
Robert E. Wipperfurth, Supervisor



Donald G. Madelung, Supervisor



Martin A. Palus, Supervisor



Bruce R. Stravinski, Supervisor

ATTEST:

A handwritten signature in cursive script, reading "Tina A. Butteris". The signature is written in black ink and is positioned above a horizontal line.

Tina A. Butteris
Finance Officer/Clerk-Treasurer

4849-6032-7944, v. 1